

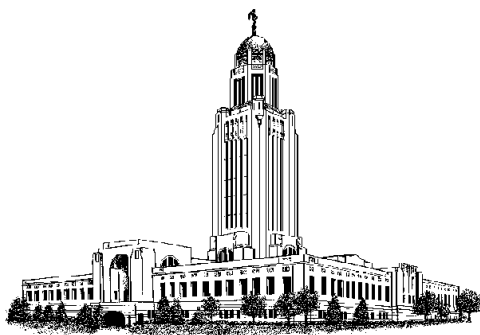
Nebraska State Legislature

SENATOR HEATH MELLO

District 5

Legislative Address:
State Capitol
PO Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2710

5315 B Street
Omaha, Nebraska 68106
(402) 612-9569
hmello@leg.ne.gov



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For More Information:

Senator Heath Mello
(402) 471-2710

State Senator Heath Mello Statement in Response to Appointment of New Director of the Nebraska Department of Correctional Services

Calls for leadership from director, Governor on overcrowding

LINCOLN, NE – Nebraska State Senator Heath Mello (District 5, South Omaha) issued the following statement in response to the appointment of Michael Kenney as the new director of the Nebraska Department of Correctional Services:

“With the recent departure of longtime director Bob Houston, the Department of Correctional Services was facing a leadership vacuum at a critical juncture. While I am pleased that Governor Heineman acted swiftly to fill this vacancy, I am deeply concerned about the Governor's continued refusal to lead on the most pressing issue facing the Department – prison overcrowding.”

As of July 31st, there were 4,748 inmates being housed by the Department of Correctional Services, representing 149.54% of capacity. This number greatly exceeds the 140% capacity level which allows the Governor to declare a prison overcrowding emergency under state law, and information provided by the Department to the Legislature's Appropriations Committee this past legislative session indicates that prison overcrowding would continue to grow through 2020.

In a September 18th letter to Heineman, Mello stressed the need for responsible leadership to manage the state's overcrowding crisis while prioritizing public safety, and urged the Governor to propose a comprehensive plan to reduce the prison population back below 140% of capacity. In a September 25th response, Heineman instead proposed a “renewed focus on the death penalty” and legislation to change Nebraska's “good time” law.

“I find it disappointing that the Governor chose to respond by making a personal political attack, rather than offer real solutions to a prison overcrowding crisis that is estimated to grow to 188% of capacity. Even if all eleven prisoners currently on death row were executed today, prison overcrowding would be reduced by just 0.34%,” said Mello.

Mello stressed that under Heineman, the Department of Correctional Services opposed legislation in 2013 which would have eliminated “good time” for violent offenders, and has failed to update rules and regulations governing that loss of “good time” by inmates. Under current Department regulations, the maximum amount of “good time” that could be lost by an inmate for a criminal offense committed while in prison is just one year.

The cost to build and maintain a new prison is estimated at nearly \$150 million, and states facing similar overcrowding crises have been forced by court order to reduce their prison populations. In 2011, the State of California was ordered by the United State Supreme Court to reduce its prison population to 137.5% of capacity in just a two-year period.

“States like California that have ignored prison overcrowding have faced the possibility of releasing not just non-violent offenders, but those offenders classified as moderate to high-risk,” said Mello. “Without a long-term, comprehensive solution to the pending crisis, I am concerned the state will be placed in a challenging fiscal and public safety situation for the foreseeable future. Failure to address this issue next session is simply unacceptable.”